

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL W. SAVAGE,

Defendant.

4:11CR3082

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture (filing [41](#)). The Court has reviewed the record in this case and finds as follows:

1. Defendant entered into a Plea Agreement (filing [39](#)) whereby he has agreed to plead guilty to Count I and the Forfeiture Allegation of the Indictment (filing [1](#)). Count I charged Defendant with the receipt and distribution of child pornography, in violation of [18 U.S.C. § 2252A\(a\)\(2\)\(A\) and \(b\)\(1\)](#). The Forfeiture Allegation sought the forfeiture, pursuant to [18 U.S.C. § 2253](#), of the following properties on the basis they were used or were intended to be used to facilitate said violation:
 - a. One black Gateway desktop computer, model #DX4200, serial #XB686410 09994;
 - b. One Seagate Free Agent Go 500 GB external drive, serial #26E7YC0Q;
 - c. Assorted CD's/DVD's; and
 - d. Simple Tech external hard drive 500 GB, serial #08135010500500642, and power cord.
2. By virtue of his plea of guilty, Defendant forfeits his interest in the above-described properties, and the United States should be

entitled to possession of the properties, pursuant to [18 U.S.C. § 2253](#).

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture is granted.

Accordingly,

IT IS ORDERED:


1. The United States' Motion for Issuance of Preliminary Order of Forfeiture (filing [41](#)) is granted.
2. Based upon the Forfeiture Allegation of the Indictment and Defendant's plea of guilty, the United States is authorized to seize the following properties:
 - a. One black Gateway desktop computer, model #DX4200, serial #XB686410 09994;
 - b. One Seagate Free Agent Go 500 GB external drive, serial #26E7YC0Q;
 - c. Assorted CD's/DVD's; and
 - d. Simple Tech external hard drive 500 GB, serial #08135010500500642, and power cord.
3. Defendant's interest in above-described properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of [18 U.S.C. § 2253](#).
4. The properties are to be held by the United States in its secure custody and control.
5. Pursuant to [18 U.S.C. § 2253](#), the United States shall forthwith publish for at least thirty consecutive days on an official Government internet site, www.forfeiture.gov, the following notices: notice of this Order; Notice of Publication evidencing the

United States' intent to dispose of the properties in such manner as the Attorney General may direct; and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state that the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties; shall be signed by the Petitioner under penalty of perjury; and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.
7. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [18 U.S.C. § 2253](#), in which all interests will be addressed.

Dated this 13th day of April, 2012.

BY THE COURT:



John M. Gerrard
United States District Judge